



Public Knowledge

October 28, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 10-127, Framework for Broadband Internet Service; GN Docket No. 09-191, Preserving the Open Internet Broadband Industry Practices; WC Docket No. 07-52, Commission Inquiry Into Broadband Market Practices

Dear Ms. Dortch:

On October 27, 2010, Gigi B. Sohn, Harold Feld, and Ernesto Falcon of Public Knowledge (PK) met with Zac Katz, Legal Advisor to Chairman Genachowski. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

Ms. Sohn, Mr. Feld and I urged that the Commission complete its "Third Way" proceeding expeditiously. As it has stated in its comments, PK believes that the FCC will be on the firmest legal ground to address broadband issues related to public safety, Universal Service, Lifeline/Linkup and other priorities in the National Broadband Plan if it classifies broadband Internet access as a telecommunications service under Title II of the Communications Act.

We also urged that the Commission simultaneously complete its open Internet rulemaking proceeding and argued that the Commission has the authority to adopt open Internet rules. Ms. Sohn reiterated PK's position on the application of open Internet rules to wireless Internet access providers, *i.e.*, access providers initially should be prohibited from blocking all content and applications, followed by a time-limited or technological glide path to the application of full non-discrimination rules.

PK stated that consumers could no longer afford to be left without baseline consumer protections to protect them in the event of anti-consumer or anticompetitive behavior by broadband access providers. While it is conceivable that Congress could eventually act to provide the Commission with the ability to do so, such action is not forthcoming anytime in the near future. In the meantime, it is incumbent upon the Commission to protect the public interest.

Sincerely,

/s Ernesto Falcon
Director of Government Affairs

cc. Zac Katz